

By: Fallon

H.B. No. 1760

A BILL TO BE ENTITLED

AN ACT

relating to money transmissions sent to destinations outside the United States; imposing a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle Z, Title 3, Finance Code, is amended by adding Chapter 280 to read as follows:

CHAPTER 280. MONEY TRANSMISSION FEE

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 280.001. DEFINITIONS. In this chapter:

(1) "Financial institution" has the meaning assigned by Section 201.101.

(2) "Money transmission" has the meaning assigned by Section 151.301.

(3) "Money transmission business" means a person engaging in money transmission as a service or for profit. The term includes a financial institution.

SUBCHAPTER B. FEE ON CERTAIN MONEY TRANSMISSIONS

Sec. 280.051. FEE ON CERTAIN TRANSMISSIONS TO FOREIGN DESTINATIONS. (a) Except as provided by Subsection (b), a money transmission business shall charge a fee on a money transmission for an individual that originates in this state and is transmitted to a destination outside of the United States if the individual does not present proof that the individual is a United States citizen or is lawfully present in the United States by showing:

1 (1) a United States passport; or

2 (2) an unexpired Permanent Resident Card issued by
3 United States Citizenship and Immigration Services.

4 (b) A financial institution may not charge the fee required
5 by Subsection (a) to an individual that has an account with the
6 financial institution.

7 (c) The amount of the fee is the sum of:

8 (1) three percent of the total amount sent by the money
9 transmission; and

10 (2) \$5.

11 (d) On each money transmission for which the money
12 transmission business charges a fee under this section, the
13 business, to cover the cost of collecting the fee, may retain an
14 amount equal to the greater of:

15 (1) 10 percent of the amount of the fee provided by
16 Subsection (c)(1); or

17 (2) \$1.

18 (e) The money transmission business shall:

19 (1) collect the fee from the individual directing or
20 requesting the business to make the transmission; and

21 (2) remit the fee, less the amount retained under
22 Subsection (d), to the comptroller at the times and in the manner
23 prescribed by the comptroller.

24 (f) Except as provided by Subsection (g), the comptroller
25 shall deposit the revenue the comptroller receives under this
26 section to the credit of the border security account established
27 under Section 280.053.

1 (g) The comptroller shall retain a portion of the amount
2 remitted to the comptroller under this section to cover the cost of
3 administering this chapter. The comptroller by rule shall specify
4 the portion to be retained.

5 Sec. 280.052. RULES. The comptroller shall adopt any
6 necessary rules for the imposition, administration, payment,
7 collection, and enforcement of the fees imposed by Section 280.051.

8 Sec. 280.053. BORDER SECURITY ACCOUNT. The border security
9 account is an account in the general revenue fund. Money in the
10 account may be appropriated only to the Department of Public Safety
11 or the Texas National Guard to provide funding for border security
12 efforts in this state.

13 SECTION 2. The fees imposed under Subchapter B, Chapter
14 280, Finance Code, as added by this Act, apply only to money
15 transmissions that occur on or after December 1, 2017.

16 SECTION 3. Not later than December 1, 2017, the comptroller
17 shall adopt rules as necessary to implement Chapter 280, Finance
18 Code, as added by this Act.

19 SECTION 4. This Act takes effect September 1, 2017.